reference. *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). The corollary of this rule is that the absence from a cited §102 reference of *any* claimed element negates the anticipation. *Kloster Speedsteel AB, et al. v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

Independent claim 1 defines a method of increasing the power handling capability of a power line comprising, in part, providing a conductor, supporting the conductor, creating a model of the conductor following the supporting step, identifying a critical span within the modeled conductor, altering the modeled conductor responsive to the identifying step, and analyzing the modeled conductor following the altering step. Independent claim 1 is not shown or suggested in the prior art of record.

The Thompson patent relates to *design* of an original power line and *maintenance* of the designed power line. The Thompson teachings of *designing* an original power line are irrelevant to Applicant's claim 1 inasmuch as such claim defines a method of *increasing the power handling capability of a power line* comprising the above-mentioned steps which are not shown or suggested in the Thompson patent. Further, the *maintenance* operations merely refer to checking the state of the designed power line on site against the original designed specifications of the power line created during the design stage. The Thompson patent is entirely devoid of teaching or suggesting any methodology for increasing

the power handling capability of a power line comprising the positively-claimed steps of claim 1.

In page 3 of the Office Action, teachings from columns 3 and 4 of the Thompson patent are cited in support of the 102 rejection. On page 6 of the Office Action, further teachings from column 19 and 20 are cited in support of the 102 rejection. Such teachings fail to anticipate or render obvious Applicant's claim 1.

Referring to column 3, lines 17-20, the Thompson patent relates to modifying an initially designed power line to achieve a suitable design. The Office Action cites such teachings in support of the anticipation rejection. However, such bald teachings must be read in conjunction with the surrounding teachings of column 3.

For example, at column 3, starting at line 35, the power line program of the Thompson patent is a specialized program module that runs with any suitable program *development* environment. Even more telling are the teachings of lines 30-34 of column 3 which state that the method of the Thompson patent includes the step of storing original design data and *comparing original design data with recorded data to ascertain repairs or modifications* *required to restore the power line to its design parameters*. The Thompson patent merely relates to designing a power line and checking the power line during maintenance operations to determine or maintain the power line in its original design form. The Office Action states on page 3 that such teachings also relate to analyzation and *verification of design criteria.* The Thompson patent

relates to design and maintenance of the design and is entirely devoid of teachings (or any suggestion) regarding increasing the power handling capability of a power line.

At column 4, lines 15-20 the Thompson patent merely discloses checking the existing condition of the power line *against its original design database information during a refurbishment survey.* The teachings at lines 40-65 of column 4 similarly refer to design operations of a power line only and fail to teach or suggest Applicant's claimed method of increasing the power handling capability of a power line. Again, cited teachings of the Thompson patent fail to disclose the claimed method of Applicant's claim 1.

On page 6 of the Office Action, it is stated that Thompson's system is integrated as a total system referring to the teachings at column 19, line 3 of the Thompson patent meaning that each module can be used to process a model generated in another module. Such does not teach or suggest the further statement on page 6 of the Office Action of "once a model of an existing conductor is generated ... Thompson's CAD system can be used to make alterations to the modeled conductor including analysis of the performance of the modeled conductor under different environmental conditions." Rather, the total system teachings on column 19, line 3 refer to a power line fittings scheduler where the details of support structures and conductors are read directly from *design* drawings. Referring to column 18, starting at line 58, it is stated that existing programs have the disadvantage that

they are not integrated with the design system. It refers to details regarding support structures and conductors must first be input into the program. The advantages of the disclosed Thompson system are that details of the supports structures and conductors are read directly from design drawings eliminating any possibility of mistakes being made during the input of information. Such relates to design and in no way teaches the Applicant's defined claim 1 of providing a conductor, supporting the conductor, creating a model of the conductor, identifying a critical span, altering the modeled conductor, and analyzing the modeled conductor following the altering.

The Thompson patent teaches a database of the original information and then compares existing information against the original database information. The original design is used as a reference point. Such is disclosed at column 21, lines 18-20 stating that new collected data of a power line is cross-referenced with any existing data on the basis of route name and support structure numbers. The Thompson teachings relate to cross-reference of existing information against original design data and in no way teach or suggest the claimed method of increasing the power handling capability of a power line including creating a model of a conductor and altering the modeled conductor responsive to identification of a critical span within the modeled conductor.

The Thompson patent teachings regarding a model of a power line are during the design of a power line. Thereafter, existing power line

conditions are checked against the originally designed model for verification. Nothing in the Thompson patent teaches or suggests *creating a model of a conductor* *following supporting of the conductor*, identifying a critical span in such modelled conductor, altering the modelled conductor, and analyzing the modelled conductor. The Thompson patent teaches creating a model to design a power line and checking the designed power line against the model. The Thompson patent fails to teach or suggest supporting a conductor and creating a model following the supporting. Positively cited limitations are not shown or suggested in the prior art. Claim 1 is patentable over the prior art of record.

Claims 2-8 depend from independent claim 1 and therefore are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Independent claim 9 defines a method of increasing power handling capability of a power line comprising, in part, altering the conductor including at least one of removing a portion of the conductor and adjusting the positioning of one of the clamps relative to the conductor. Claim 9 is allowable.

On page 7 of the Office Action it is stated that although claimed steps are not specifically taught by Thompson, the recited method is performed by every technician who strings power lines. Applicant submits that the anticipation rejection of claim 9 is improper referring

to page 7 of the Office Action stating that claimed steps are not specifically taught by Thompson. By definition, the anticipation rejection of claim 9 is improper and Applicant respectfully requests allowance of independent claim 9 in the absence of prior art which teaches all of the claimed steps of independent claim 9.

Claims 10-13 depend from independent claim 9 and therefore are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Independent claim 14 defines a method of increasing the power handling capability of a power line comprising, in part, providing a conductor, creating a model of the conductor, analyzing the modeled conductor at an increased operating condition, identifying a critical span, altering the model conductor responsive to the identifying, and second analyzing the modeled conductor. Independent claim 14 defines patentable subject matter.

On page 8 of the Office Action, it is stated that Thompson teaches subjecting conductors to different environmental conditions citing the teachings at col. 17, lines 20-30. Such teachings again refer to the *design* of a power line as stated at lines 18-19 of column 16, and not to a method of increasing the power handling capability of a power line as claimed. The Thompson patent relates only to creating a model during a *design stage* and *thereafter* creating the power line, while Applicant's positively claim providing a conductor and creating a model

of the conductor. Positively recited steps of claim 14 are not shown or suggested in the Thompson patent.

On page 8 of the Office Action, it is further stated that since Thompson's systems employ a CAD system in *designing* power lines, it then follows the different length materials etc. *can be* used based on the analysis of the operating conditions to adjust for alteration of the design. Such statements and any Thompson patent teachings relate to initial design of a power line. The Thompson patent may only be relied upon for what it teaches or suggests. The fact that it could be used for additional applications is not sufficient and is irrelevant to any anticipation rejection. At a minimum, such evidences the inappropriateness of the anticipation rejection.

Further, there is no suggestion to operate the Thompson program to perform as Applicant's claimed method of independent claim 14. In fact, the Office Action states that the Thompson system employs a CAD system in *designing* power lines. Applicant's claimed method is not concerned with designing power lines, but rather increasing power handling capability of a power line. Such is made clear by the claimed steps of providing a conductor, and creating a model of the conductor, and further steps of analyzing and altering which concern the modeled conductor. The Thompson patent teachings of design and maintenance fail to teach or suggest the steps of claim 14. Independent claim 14 defines patentable subject matter over the prior art of record.

Claims 15-20 depend from independent claim 14 and therefore are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

In accordance with the above, Applicant has recited numerous claimed method steps which are not shown or suggested in the prior art. Accordingly, the anticipation rejection of claims 1-20 is improper. If any claims are not found allowable upon consideration of the above, Applicant respectfully requests issuance of a non-final rejection pursuant to §706.07a of the MPEP.

Applicant respectfully requests allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 4/12/00

By: _____

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